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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,647	09/07/1999	WINTHROP L. SAVILLE	PHA23.756	8884

7590 09/26/2002

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EXAMINER

ELLIS, RICHARD L

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/391,647

Applicant(s)

Saville et al.

Examiner

Richard Ellis

Group Art Unit

2183

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 (Three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) Months from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on June 26, 2002.
- ☒ This action is FINAL
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 14-26 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 14-26 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119(a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. Claims 14-26 are newly presented for examination.
2. The text of those sections of Title 35, US Code not included in this action can be found in a prior Office Action.
3. Claims 14-26 are rejected under 35 USC 102(b) as being clearly anticipated by Matsumoto et al., U.S. Patent 4,454,578.

Matsumoto et al. was cited as a prior art reference in applicants information disclosure statement, paper number 3, received April 9, 2001.

Matsumoto et al. taught (e.g. see figs. 1a-10) the invention as claimed (as per claim 14), including a data processing ("DP") system comprising:

- A) a method of forming instructions (fig. 1a-2f) for execution in a processing system (fig. 4), comprising:
 - B) providing an opcode portion determining at least one instruction to be performed by the processor system (col. 1 lines 14-17); and,
 - C) providing a first parameter byte (fig. 1a, TYPE, LENGTH) including a first set of data value bits, and a first expansion bit (fig. 2a, 000) indicative of whether the processing system expands the first set of data value bits or reads any additional parameter bytes (fig. 1b, LENGTH) including additional sets of data value bits (fig. 1b, LENGTH, LITERAL VALUE).
4. As to claim 15, Matsumoto et al. taught that the first byte further had a sign bit indicative of whether the first set of data value bits represented a positive number or a negative number (col. 2 lines 59-62).
 5. As to claim 16, Matsumoto et al. taught providing a second parameter byte including a second set of data value bits, and a second expansion bit indicative of whether the processing system expands the second set of data value bits or reads any additional parameter bytes including additional sets of data value bits (col. 1 lines 46-50, by decoding regardless of the number of operand specifiers, Matsumoto et al. is indicating the presence of plural operand specifiers).

6. As to claim 17, Matsumoto et al. taught that the first byte had a sign bit indicative of whether the first set of data values bits and the second set of data value bits collective represent a positive number or a negative number (col. 2 lines 59-62).
7. As to claim 18, Matsumoto et al. taught providing a third set of data value bits, and a third expansion bit indicative of whether the processing system expands the third set of data value bits or reads any additional parameter bytes including additional sets of data value bits (col. 1 lines 46-50, by decoding regardless of the number of operand specifiers, Matsumoto et al. is indicating the presence of plural operand specifiers).
8. As to claim 19, Matsumoto et al. taught that the first byte further had a sign bit indicative of whether the first set of data value bits, the second set of data value bits and the third set of data value bits collective represent a positive number or a negative number (col. 2 lines 59-62).
9. As to claims 20-23, they do not teach or define above the invention claimed in claims 14-19 and are therefore rejected under Matsumoto et al. for the same reasons set fourth in the rejection of claims 14-19, supra.
10. As to claim 24, Matsumoto et al. taught that the opcode portion defined a number of parameters in the parameter portion (col. 4 lines 24-35).
11. As to claim 25, Matsumoto et al. taught that the opcode portion defines an uncompressed length of the plurality of data value bits (col. 4 lines 36-37).
12. As to claim 26, Matsumoto et al. taught that the parameter portion includes a plurality of parameter bytes (fig. 1a-3f), and that the opcode portion determined the order of arrangement of the plurality of parameter bytes (col. 4 lines 24-42, additionally, this aspect is inherent in the design of a machine instruction set).
13. Applicant's arguments with respect to claims 14-26 have been considered but are deemed to be moot in view of the new grounds of rejection.
14. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS**

ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a).


A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (703) 305-9690. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (703) 305-9712. The fax phone numbers for this Group are: After-final: (703) 746-7238; Official: (703) 746-7239; Non-Official/Draft: (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Richard Ellis
September 23, 2002


Richard Ellis
Primary Examiner
Art Unit 2183